

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.7822 OF 2019

DATED:16-04-2019

Between :

Smt.Shaik Ameena Begum, W/o.Late Fazluddin,
Aged about 85 years, occ: House wife, R/o.H.No.2-76,
Palmakul Village, Shamshabad Mandal, Ranga Reddy District.

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Petitioner

And

The State of Telangana, rep.by its
Principal Secretary, Revenue Department, Secretariat,
Hyderabad, Telangana State and others.

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Respondents



This court made the following :

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ORDER :

Petitioner claims that her husband owned several extents of land in Palmakul Village, Shamshabad Mandal, Ranga Reddy District. According to petitioner, resurvey was conducted in the village and new survey numbers are assigned in place of old survey numbers. The old Sy.No.139 (A) was reassigned as Sy.No.321 to an extent of Ac.2-25 guntas and Sy.No.315 to an extent of Ac.3-33 guntas. Petitioner alleges that land belonging to the family. The old survey number is not reflected in revenue records after resurvey and assignment of new survey numbers. The endeavour made by the petitioner to elicit the information under Right to Information Act did not yield any result to ascertain the true position of land owned by the family compelling her to institute this writ petition.

02. However, material on record would disclose that petitioner made application on 05-10-2015 to grant Virasat of the above extents of land. On due consideration of above facts, petitioner was informed vide memo dated 17-10-2015 that Sy.No.321 is classified as Wakf land and included in the prohibited list of properties under Section 22-A of the Registration Act. However, learned counsel for the petitioner placed reliance on order dated 17-10-2015 passed by the very same authority, in which there is reference to Sy.No.321 in addition to other survey numbers and holding that land to an extent of Ac.11.27 guntas in various survey numbers including Sy.No.321 belongs to Shaik Mohammed Fazuluddin. The table appended to the first page of said proceedings reflects the name of petitioner as wife of deceased,

owner of the property. According to learned counsel for the petitioner, they have accepted the claim of the petitioner to land in pre-revised Sy.No.139 (A) but while revising the survey numbers and assigning new Sy.No.321 to old Sy.No.139 (A), they could not have changed status of the property from private to that of Wakf without following due procedure. He would, therefore, submit that though revenue authorities recognized the ownership claimed by the petitioner, but failed to grant mutation in her favour.

03. However, it is seen from the last table in the proceedings dated 17-10-2015 that the name of the petitioner is recognized in various survey numbers to the respective extents i.e. for total extent of Ac.9-03 guntas and this table does not contain the land in Sy.No.321. Thus, the proceedings dated 17-10-2015 are to be read inconsonance with the proceedings of even dated, whereunder the petitioner was informed that subject land is wakf land. Therefore, *prima facie* it can not be said that respondent-authorities erred in not granting relief to reflect name of the petitioner on the land claimed by her. The prayer in the present writ petition also cannot be granted as those proceedings are not under challenge.

04. Leaving it open to petitioner to work out her remedies as available under law and to assert the ownership claimed by the petitioner in land in new Sy.No.321 of Palmakole Village, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

16-04-2019
Nvl